

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

Alex Danilo CARRETO-Gomez

Defendant.

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Criminal No. 1:18-MJ-530

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Kurt Simard, being duly sworn state the following:

1. I am a Deportation Officer with United States Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE/ERO) in Fairfax, Virginia. I have been employed with ICE since August of 2011. I was previously employed as a Border Patrol Agent with United States Customs and Border Protection for an additional three years. During that time, I have received specialized training and have conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code.

2. My duties as a Deportation Officer with ICE include investigating administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code and seeking, when applicable, prosecution and removal of violators. I have received training in general law enforcement, including training in Title 8 of the United States Code.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant charging Alex Danilo CARRETO-Gomez (hereafter referred to as CARRETO) with being found

in the United States, after being denied admission, excluded, deported, or removed, or having departed the United States while an order of exclusion, deportation, or removal was outstanding, in violation of Title 8, United States Code, Section 1326(a).

4. The facts and information contained in this affidavit are based upon my training and experience, participation in immigration investigations, personal knowledge, and observations during this investigation, as well as the observations of other agents involved in this investigation. All observations not personally made by me were related to me by the individuals who made them or were conveyed to me by my review of records, documents, and other physical evidence obtained during this investigation. This affidavit contains information necessary to support probable cause, and it is not intended to include each and every fact and matter observed by me or known to the Government.

PROBABLE CAUSE

5. On or about October 29, 2018, the ERO Washington Command Center in Lorton, Virginia, found CARRETO at the Alexandria City Jail in Alexandria, Virginia, which is located in the Eastern District of Virginia. CARRETO was being detained at the Alexandria City Jail on local public intoxication charges. An immigration detainer was lodged against CARRETO on October 29, 2018.

6. On or around October 30, 2018, CARRETO was transferred to ICE custody pursuant to the above-mentioned immigration detainer. Your affiant obtained CARRETO's fingerprints at the ERO Washington Field Office in Fairfax, Virginia. Those fingerprints were processed through ICE indices containing fingerprint records of known and previously deported aliens. This system is also integrated with the criminal records maintained by the FBI and is

commonly referred to as Next Generation Identification (NGI). The result of this query showed positive matches to CARRETO and was associated with his FBI number 363343TD9.

7. After the results of this query, and prior to any questioning, your affiant read CARRETO his Miranda rights, which was witnessed by Deportation Officer Bowen. CARRETO indicated he understood his rights and opted to remain silent without providing a sworn statement.

8. On or around October 30, 2018, your affiant conducted a review of documents from CARRETO's immigration alien file (commonly referred to as "A file") that is maintained by United States Bureau of Citizenship and Immigration Services. The A file contained the following information:

- a) That his true and correct name is Alex Danilo CARRETO-Gomez;
- b) That he was born on June 10, 1993; and
- c) That he is a citizen and national of Guatemala.

9. The A file contained one fully executed Immigration Service Form I-296, Notice to Alien Ordered Removed/Departure Verification. This form bears the photograph, fingerprint, and signature of CARRETO and confirmed that CARRETO was removed from the United States to Guatemala on January 18, 2013 from San Antonio, Texas.

10. On or around October 31, 2018, the following exhibits of CARRETO's fingerprints were submitted to the FBI Special Processing Center for comparison:


- a) Fingerprint card dated December 12, 2012 (Exhibit A); and
- b) Fingerprint card taken by your affiant dated October 30, 2018 (Exhibit B).

11. On October 31, 2018, the FBI responded to the request for fingerprint analysis, stating that both of the fingerprint exhibits were a match to Alex CARRETO-Gomez and his FBI

number 363343TD9.


12. CARRETO's A file indicates that he does not have any immigration benefit, document, or status that would allow him to enter, be admitted, pass through, or reside in the United States legally and that he has neither sought nor obtained permission from the Attorney General or the Secretary of Homeland Security to reenter the United States following his formal deportation.

13. Based the foregoing, I submit that there is probable cause to believe that on or about October 29, 2018, in Alexandria, Virginia, within the Eastern District of Virginia, the defendant, Alex Danilo CARRETO-Gomez, having been removed from the United States on or about January 18, 2013, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Homeland Security, to reapply for admission to the United States, in violation of Title 8, United States Code, §1326(a).



Kurt Simard
Deportation Officer
United States Immigration and Customs
Enforcement

Sworn to and subscribed before me
This 21 day of November 2018.

/s/
Michael S. Nachmanoff 
United States Magistrate Judge
Honorable Michael S. Nachmanoff
United States Magistrate Judge
Alexandria, Virginia